

Marin County Community Development Agency

Alex Hinds, Director

ENVIRONMENTAL REVIEW FACT SHEET

DEFINITION

State law requires all government agencies to perform environmental review on projects which require government approval. Environmental review criteria and procedures are set by the California Environmental Quality Act (CEQA) and the Marin County CEQA Guidelines. The guidelines give specific information on what projects or activities are exempt from review, and criteria for determining whether a project should receive a Negative Declaration (declaration that the project would have no significant impact on the environment) or if an Environmental Impact Report (EIR) should be prepared. If a project is not exempt from environmental review, an Initial Study is prepared to determine whether a Negative Declaration or an EIR is appropriate. An EIR must be prepared if any of the effects of the project may have a substantial adverse impact on the environment, regardless of whether the overall effect of the project is adverse or beneficial.

TIME FRAME FOR PROCESSING

Environmental review is processed along with the application for project development approval. The required time for processing environmental review will vary depending upon the complexity of the project and its potential environmental impacts. Environmental review must be completed before action can be taken on the merits of a project. Generally, action is taken on environmental review and on the merits of the project at the same public hearing. State law requires that all development projects be approved or denied within six (6) months from the date of acceptance if a Negative Declaration or Exemption is issued for the project, and within one (1) year if an EIR is required.

ENVIRONMENTAL REVIEW PROCESS

STEP 1 PRE-APPLICATION RESEARCH/REVIEW - Before submitting your application for development approval (i.e., application for a variance, tentative map, subdivision action), the applicant should determine what county regulations affect the project area. At this point a call or visit to the Zoning Counter will help you determine whether formal environmental review will be required for your project.

Generally, new construction of single-family dwellings, additions to existing structures, lot line adjustments, and replacements or reconstruction of existing structures are categorically exempt from environmental review. Projects that increase or change the intensity of use, involve new construction of a multi-family residential structure or any new commercial structure, and projects involving land divisions generally require preparation of a Negative Declaration of an EIR.

STEP 2 SUBMIT APPLICATION AT ZONING COUNTER - If your project is not categorically exempt, you will be required to submit an Environmental Review Submission (attached to this fact sheet) with your Zoning/Development or Subdivision application. Please check with the counter planner if you have any questions regarding the Environmental Review Submission or the application. Incomplete or unclear applications will not be accepted for processing. The planner assigned to process your application will also process the environmental review of your project.

APPLICATION PROCESS (continued)

STEP 3 CATEGORICAL EXEMPTION - If your project is exempt from environmental review, a Notice of Exemption will be completed and submitted to the Planning Department's Environmental Coordinator for review. If acceptable and appropriate, the Notice of Exemption will be filed with the County Clerk's Office, and environmental review of your project is complete.

If the Environmental Coordinator determines that an exemption from environmental review is not appropriate for your project, you will be notified that an Initial Study is required and additional fees and an Environmental Review Submission must be submitted before further processing of your application can occur.

STEP 4 INITIAL STUDY - The Initial Study is prepared by a staff planner to assess the potential for environmental impacts in order to determine whether an EIR or a Negative Declaration will be required. The initial study includes a checklist of potential environmental impacts for concerns such as geophysical factors, biotic communities, hydrology, air quality, natural resources, and other concerns such as conformance with general and specific plan designations, community/cultural factors, economics, transportation, public services and public utilities.

STEP 5 INITIAL DETERMINATION - Based upon the initial study, the Environmental Coordinator will make one of the following two findings:

1. The project has "No Significant Impact " and therefore a "Negative Declaration" would be in order. (See Step 6); or
2. The project will have, or may have, a significant impact on the environment and therefore requires the preparation of an EIR. (See Step 7)

The Environmental Coordinator may determine that an EIR is not appropriate for the project but may require that additional studies (i.e., traffic, archaeological surveys, etc.) be conducted to augment the initial study. If additional studies are required, the applicant will be notified within 30 days from the date the application was accepted as complete.

STEP 6 NEGATIVE DECLARATION - If it is determined that the proposed project will not have a significant effect on the environment, a Negative Declaration is prepared and a notice so stating is posted at two public places. Any citizen who believes that an EIR rather than a Negative Declaration should be prepared for the proposal may appeal to the Planning Commission within ten (10) days after the notice has been posted. If there is no appeal, environmental review of the project may proceed pursuant to Step 10 of this fact sheet. If an appeal has been filed, the Planning Commission will review the Initial Study and determine whether an EIR must be prepared in lieu of a Negative Declaration.

STEP 7 PREPARATION OF DRAFT EIR - If it is determined that an EIR is required, a "Notice of Intent to prepare an EIR" is prepared and posted. Any citizen who believes that a "Negative Declaration rather than an EIR should be prepared for the proposal may appeal to the Planning Commission within ten (10) days after the notice has been posted. If an appeal has been filed, the Planning Commission will review the Initial Study and determine whether an EIR must be prepared in Lieu of a Negative Declaration.

If an EIR is required, a draft EIR is first prepared. The time frame for this step averages two months and is primarily dependent on the scope and complexity of the proposed project and its impacts. The County will prepare the EIR by contract through a consulting firm. A fee will be charged to cover the cost of preparing the report and administering the process.

APPLICATION PROCESS (continued)

- STEP 8** REVIEW OF DRAFT EIR - The Planning Department will distribute copies of the draft EIR to those individuals and agencies on its designated review list. Additional copies may be sent to those who have a special interest in the project. A notice that the Draft EIR has been received and that copies are available for inspection will be posted. This review period must be in effect for a minimum of thirty (30) days.
- STEP 9** FINAL EIR - The Planning staff or consultants working under the supervision of Planning staff will then prepare a Final EIR after the review period. The Final EIR will consist of the Draft EIR with addenda containing all the comments received, a list of persons, organizations and public agencies commencing on the Draft EIR, and the responses of the County to significant environmental issues raised in the Draft EIR and comments received.
- STEP 10** ADOPTION OF A NEGATIVE DECLARATION/CERTIFICATION OF FINAL EIR - The final reviewing authority (Planning Commission or Board of Supervisors) must adopt the Negative Declaration or certify the Final EIR prior to or at the time the merits of the projects application are finally considered. If not adopted or certified, the document is returned for further review or information. A Negative Declaration or EIR is used to assist the decision-making body in reviewing environmental impacts that may occur as a result of the development proposal. If the development application is approved, the final reviewing authority may impose conditions, as suggested in the EIR or Negative Declaration, to mitigate any significant adverse environmental impacts.

FOR FURTHER INFORMATION

- ° Visit the Marin County Planning Department Zoning Counter at the Civic Center - Room 308, San Rafael, California, Monday through Friday (closed holidays), 8:00 a.m. - 12:00 p.m. and 1:00 p.m. - 4 p.m., or call (415) 499-6269.
- ° See Marin County Zoning Ordinance.

ENVIRONMENTAL REVIEW SUBMITTAL REQUIREMENTS

If environmental review is required, the following must be submitted:

1. A completed Environmental Review Submission Application accompanying your project application.
2. Any such material as may be required by the Planning Director or the Environmental Review Officer.
3. Filing fee (see Fee Schedule).